

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Reginald Greene,

Petitioner, Case No. 22-cv-12950

v.

Judith E. Levy
United States District Judge

Chris King,

Mag. Judge Elizabeth A.
Respondent. Stafford

_____/

**ORDER GRANTING PETITIONER’S MOTION TO DISMISS [13],
DISMISSING WITHOUT PREJUDICE THE HABEAS PETITION,
AND DENYING A CERTIFICATE OF APPEALABILITY**

On December 6, 2022, Petitioner Reginald Green filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. (ECF No. 1.) On June 28, 2023, the Court issued an opinion and order denying Petitioner’s motion to stay. (ECF No. 12.) In that opinion and order, the Court stated that Petitioner may move for a non-prejudicial dismissal of this case by August 8, 2023, to pursue additional issues in the state courts. (*Id.* at PageID.551.) Now before the Court is Petitioner’s *pro se* motion to dismiss his pending habeas petition so that he may return to state court

to fully exhaust his claims. (ECF No. 13.) The motion to dismiss is dated July 23, 2023. (*Id.*)

Petitioner filed his motion to dismiss before August 8, 2023, and has sufficient time in the one-year statute of limitations to exhaust his claims in state court. Accordingly, the Court grants Petitioner's motion to dismiss (ECF No. 13) and dismisses without prejudice the habeas petition (ECF No. 1).

Additionally, the Court denies a certificate of appealability because reasonable jurists could not debate the correctness of the Court's procedural ruling. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000).

This case is closed. If Petitioner wishes to seek federal habeas relief after he exhausts his claims in state court, he must file a new habeas petition within the time remaining in the one-year limitations period.

IT IS SO ORDERED.

Dated: August 16, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 16, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager